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## **Iowa Board of Pharmacy May 5, 2020 Minutes**

### **Members Present**

Jason Hansel, Chair  
Edward McKenna, Vice-chair  
Brett Barker  
Gayle Mayer  
Dane Nealson  
Joan Skogstrom  
Kathy Stone  
Sherill Whisenand

Mitch Barnett, Associate Director of PMP  
Laura Steffensmeier, Assistant Attorney General  
Amanda Woltz, Administrative Assistant

### **Compliance Officers**

Christie Carlson  
Curt Gerhold  
Mark Mather  
Sue Mears  
Jean Rhodes  
Dan Sedlacek  
Jennifer Tiffany  
Jim Wolfe

### **Staff Present**

Andrew Funk, Executive Director  
Therese Witkowski, Executive Officer

### **Call to Order & Announcements**

At 9:07 a.m., on Tuesday, May 5, 2020, Jason Hansel, Chair, called the meeting of the Iowa Board of Pharmacy to order.

### **Public Comment Period**

None

### **Election of Officers**

Motion by Brett Barker, second by Dane Nealson, to elect Jason Hansel as Chair. Motion approved unanimously.

Motion by Joan Skogstrom, second by Dane Nealson, to elect Brett Barker as Vice-chair. Motion approved unanimously.

### **Approval of Minutes**

1. February 25-26, 2020 Open Session Minutes

Motion by Brett Barker, second by Dane Nealson, to approve the Open Session Minutes of the February 25-26, 2020, meeting as presented. Motion approved unanimously.

2. March 9, 2020 Teleconference Meeting Minutes

Motion by Brett Barker, second by Dane Nealson, to approve the Open Session Minutes of the March 9, 2020, teleconference as presented. Motion approved unanimously.

3. April 6, 2020 Teleconference Meeting Minutes

Motion by Brett Barker, second by Kathy Stone, to approve the Open Session Minutes of the April 6, 2020, teleconference as presented. Joan Skogstrom abstained. Motion passed by voting members.

**Petitions for Exemption from Mandate for Electronic Transmission of Prescriptions**

1. MercyOne Des Moines Endocrinology Clinic
2. MercyOne Des Moines Pulmonology Clinic

Motion by Brett Barker, second by Dane Nealson, to approve the request for extension to December 31, 2020. Motion approved unanimously.

3. UnityPoint Occupational Medicine

Motion by Brett Barker, second by Kathy Stone, to approve the request for extension to December 31, 2020. Motion approved unanimously.

**Ed McKenna joined the meeting at 9:30 a.m.**

4. Town Square Dermatology

Motion by Brett Barker, second by Dane Nealson, to approve the request for extension to November 1, 2020. Motion approved unanimously.

5. Hope Haven Inc.

Motion by Brett Barker, second by Kathy Stone, to approve the request for extension to July 1, 2020. Motion approved unanimously.

6. Pierce Street Same Day Surgery

Motion by Ed McKenna, second by Gayle Mayer, to approve the request for extension to December 31, 2020. Motion approved unanimously.

7. Dr. Brent Ludens, DDS

Motion by Brett Barker, second by Dane Nealson, to deny the petition. Motion approve unanimously.

8. Jewell Family Dentistry

Motion by Dane Nealson, second by Kathy Stone, to approve the request to June 24, 2020 to allow the petitioner to provide additional information. Motion passed unanimously.

9. Pediatric & Young Adult Clinic

Motion by Brett Barker, second by Ed McKenna, to approve the request to July 1, 2020. Motion approved unanimously.

10. Orthopedic Institute

Motion by Brett Barker, second by Dane Nealson, to approve the request to September 1, 2020. Motion approved unanimously.

**Requests**

1. Requests to extend existing waiver of 657 IAC 17.3(1)“c” requiring evidence of current VAWD accreditation by the NABP
  - a. Reliance Wholesale, Inc, License 6414, Collierville, TN

Motion by Sherill Whisenand, second by Dane Nealson, to approve the waiver request to December 31, 2020. Motion approved unanimously

2. Requests to waive 657 IAC 17.3(1)“c” requiring evidence of current VAWD accreditation by the NABP
  - a. Healthsource Distributors, LLC, License 6974, Baltimore, MD

Motion by Kathy Stone, second by Sherill Whisenand, to approve the waiver request to December 31, 2020. Brett Barker abstained. Motion passed by voting members.

- b. Jubilant HollisterStier LLC, License 5465, Spokane, WA

Motion by Brett Barker, second by Ed McKenna, to approve the waiver request to December 31, 2020. The waiver is conditioned upon limiting distribution to (1) products they manufacture, and

(2) food allergenic extracts sold to healthcare practitioners in Iowa for use in diagnosing allergies.

.Motion approved unanimously.

c. Sterisyn, Inc, License 8249, Moorpark, CA

Motion by Brett Barker, second by Dane Nealson, to deny the waiver request. Motion passed unanimously.

3. Requests to waiver 657 IAC 43.3(1) requiring evidence of current VAWD accreditation by the NABP
  - a. DHL Supply Chain, Applicant, Export, PA

Waiver withdrawn

b. Inmar Rx Solutions, Inc., License 80061, Grand Prairie, TX

Motion by Dane Nealson, second by Kathy Stone, to approve the waiver request to May 5, 2021. Motion passed unanimously.

4. Request to waive 657 IAC 2.9 licensure by license transfer
  - a. Mary Foy, Applicant, Tyler, MN

Motion by Brett Barker, second by Gayle Mayer, to approve the waiver request. Motion passed unanimously.

5. Request to modify existing waiver of 657 IAC 21.10(3)“b” – Hy-Vee Pharmacy Fulfillment Center, License 1472, Des Moines

Motion by Brett Barker, second by Kathy Stone, to amend the original waiver request to include controlled substances. Motion passed unanimously.

Motion by Brett Barker, second by Gayle Mayer, to approve the request to ship controlled substance prescriptions to homes. Motion passed unanimously.

### **Licensure/Registration Applications**

1. Patrick Chau, CSAR Applicant, Sioux City

The Board was in consensus to offer the applicant registration by consent order with citation and warning and civil penalty.

2. Eusebio Jimenez, PSP Applicant, Columbus Junction

Motion by Brett Barker, second by Dane Nealson, to approve the PSP registration application.

## Reports & Informational Items

### 1. Executive Director's Report

#### Board Member Appointment

Sherill Whisenand was appointed by Governor Reynolds and began serving on the Board May 1, 2020. Her current term will end April 30, 2023. She is the project director for the Iowa Secretary of State, she previously served 3 terms on the Board of Behavioral Sciences, and resides in Des Moines.

#### Staffing

Director Funk provided an update on staff's shift in work due to COVID-19.

Executive Officer Terry Witkowski is celebrating 35 years of service with the state.

#### Licensing

Pharmacist renewals opened May 1, 2020. Current licensees expired June 30, 2020. From May 1 to May 3, 2020 337 pharmacists had renewed.

#### Financials

- a. Board General Account Revenues as of April 30, 2020 approximately \$3,392,916 (88.4% of anticipated -- includes nearly \$881,000 carry-over from last FY).
- b. Board General Account Expenditures as of April 30, 2020 approximately \$3,111,668.00 (91.7% of budget -- includes anticipated carry-over of approximately \$950,000).
- c. PMP Revenues \$393,200 (79.7% of anticipated)
- d. PMP Expenditures approximately \$206,000 (41.8% of budget)
- e. IMP3 Revenues (none, except carry-over and transfer from Board General Account)
- f. IMP3 Expenditures approximately \$67,215 (72.5% of budget)
- g. Fines collected through April 30, 2020 total \$74,700 (20 licensees/registrants)

### 2. Meetings and Travel

- |                                 |                  |
|---------------------------------|------------------|
| a. NABP Annual Meeting          | May 14, 2020     |
| b. PMP Advisory Council Meeting | May 15, 2020     |
| c. Rules Committee Meeting      | May 29, 2020     |
| d. IMP3 Committee Meeting       | June 3, 2020     |
| e. Next BOP Meeting             | June 23-24, 2020 |

All upcoming meetings will be held via telecommunications.

### 3. PMP

Mitch Barnett provided a program update.

4. Medication Disposal Report

Jen Tiffany provided a program update.

5. IMP3 Report

Becky Carlson provided a program update.

6. Wall License Cost Analysis

Andrew Funk provided a breakdown of the analysis. The Board was in favor of changing the process for printing pharmacist wall licenses pending approval of new format.

7. Guidance on 503A Compounding of Certain Drugs for Hospitalized COVID-19 Patients

Informational Item

**New Business**

1. Discussion on Board Guidance pertaining to COVID-19
  - a. The Board deferred discussion on overall guidance pending discussion of the next two items
2. Discussion and Vote on Board Guidance regarding Emergency Licenses for Recent Pharmacy Graduates
  - a. The Board discussed conditions which should be met by a graduate pharmacist-intern prior to the issuance of an emergency pharmacist licenses and directed staff to provide detailed guidance.
3. Discussion on Board Guidance regarding Required Continuing Education for Upcoming Renewal
  - a. The Board determined that there appeared to be no reason to delay or reduce the required hours and would be willing to consider individual waiver petitions there are pharmacists who are unable to timely complete CE requirements due to COVID.

Motion by Brett Barker, second by Gayle Mayer to provide Board Guidance pertaining to required continuing education for upcoming renewal. Motion approved unanimously.

4. Vote on Updates to Board Guidance pertaining to COVID-19, if needed
  - a. The Board determined there were no changes needed to the overall statement of enforcement discretion or other published guidance documents other than the topics previously identified.

**Rules and Legislation**

1. Update on current legislation

Sue Mears provided an update on current legislation.

2. Update on current rulemakings

Sue Mears provided an updated on current rulemakings.

### **Closed Session**

Brett Barker moved at 3:14 p.m. to move to closed session with Dane Nealson seconding it. The motion was approved by roll call vote.

Returned to open session at 4:57 p.m.

1. Closed Session Minutes

Motion by Dane Nealson, second by Ed McKenna, to approve the Closed Session Minutes of the February 25-26, 2020, meeting as presented. Motion approved unanimously.

2. Close With No Further Action

Motion by Dane Nealson, second by Ed McKenna, to close with no further action the following investigative files in complaint numbers: 2019-0150, 2019-0154, 2019-0199, 2020-0038, 2020-0041, 2020-0012, 2020-0015, 2020-0039. Motion approved unanimously.

3. Administrative Warning

Motion by Brett Barker, second by Ed McKenna, to issue an administrative warning to the pharmacy and PIC in 2020-00159, the pharmacy in 2019-0216, the technician and pharmacy in 2019-0218, and the pharmacy and PIC in 2020-0035. Motion approved unanimously.

4. Letter of Education

Motion by Dane Nealson, second by Ed McKenna, to issue a letter of education to the pharmacy and PIC in 2020-0006 and the pharmacist-intern in 2020-0035.

5. Settlement Agreement and Final Order

Motion by Dane Nealson, second by Brett Barker, to approve the Settlement Agreement and Final Order in the follow case. Motion approved unanimously.

- A. 2018-0098, Margaret Bowen, RPh, License 19606, Council Bluffs

6. Combined Statement of Charges, Settlement Agreement ,and Final Order

Motion by Dane Nealson, second by Ed McKenna, to approved the Combined Statement of Charges, Settlement Agreement, and Final Order in the following cases. Motion approved unanimously.

- A. 2019-0051 Walgreens 07968, License 1236, Des Moines
- B. 2019-0059 Jeannie Collins, DDS, CSA Registration 1418375, Cedar Rapids,
- C. 2019-0173 Hy-Vee Food & Drug 2, License 126, Des Moines

### Adjournment



Amanda Woltz, Administrative Assistant and Recording Secretary



Andrew Funk  
Executive Director



Jason Hansel  
Board Chair

APPROVED THIS 23rd DAY OF June, 2020